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April 4, 2013

The Honorable Kathleen Sebelius
Secretary
Department of Health and Human Services
Room 445-G
200 Independence Ave., SW
Washington, DC 20201

Dear Secretary Sebelius:

I am writing to you with significant concerns regarding the recently published notice of proposed rulemaking for the *Patient Protection and Affordable Care Act; Exchange Functions: Standards for Navigators and Non-Navigator Assistance Personnel*. Chief among my concerns are the significant costs to the taxpayer that will be incurred by the proposed rule if implemented by the Department of Health and Human Services (HHS). In an attempt to reduce health care costs, the greatest possible portion of taxpayer funds should go to treating patients rather than being absorbed by administration and public relations.

The proposed rule establishes a pay scale for Navigators between \$20 and \$48 an hour. These seem to be inflated hourly wages compared to corresponding positions in the private sector. How did HHS arrive at the wage rates for Navigators? Did HHS conduct any analysis of what similarly positioned private sector workers who perform these duties make on an annual or hourly basis?

I find it very interesting that HHS would establish the wage rates for Navigators, but the proposed rule does not contain any estimate on the total number of workers that would be hired for this program. Does HHS have an estimate of the number of workers that would be hired for this program and their corresponding wage rates? How can an agency set wage rates for possible employees without knowing how many will be hired? It has been reported that California is requesting 21,000 Navigators. I am very concerned that tens of thousands of Navigators will be hired at a time when thousands of current federal employees are being placed on furloughs to reduce our budget deficit. Hiring tens of thousands of new workers that will not actually provide any health care services to citizens seems very questionable during the present fiscal climate.

In addition to the hiring of Navigators, the proposed rule makes reference to "Navigators and their staff members" and "non-Navigator assistance personnel." How

many staff members and non-Navigator assistance personnel does HHS anticipate hiring and what are their duties? I am concerned that, in addition to the hiring of tens of thousands of Navigators, a significant administrative support staff would be hired at an additional cost to taxpayers.

I am further concerned about the proposed rule's requirements to provide communication to individuals in the "consumer's preferred language" at no cost to the consumer. There are hundreds of spoken languages and dialects possibly used as the preferred language by any one individual. The cost for oral and written communications and recordkeeping in a wide variety of languages by HHS could be staggering. How can HHS provide for adequate communication in any possible preferred language and successfully manage the cost requirements associated with this service?

Can HHS provide any information on where the Navigators and their support personnel will be located? Will the federal government be acquiring new office space to house them? Will Navigators be required to be accessible in person or only by telephone or on-line?

Does HHS have any overall cost estimates for training, educating, and certifying the Navigators? The proposed rule also requires recertification to occur at some later date. In addition to the significant salaries involved, I am concerned that further costs will be incurred to train, certify, and recertify these workers.

I have great concerns over the lack of need and the significant resources that the Navigator program and its support staff will consume. Hiring tens of thousands of new workers that cannot treat patients, nor even by definition actually enroll citizens in a qualified health plan, appears to be a significant misuse of taxpayer funds.

Thank you for your review of this letter and the many questions regarding the Navigator program. I look forward to your response. Should you have any questions regarding this correspondence, please feel free to contact me, or my Legislative Director, Scott Cunningham, at 202.225.6605 or scott.cunningham@mail.house.gov.

Sincerely,



Kenny Marchant
Member of Congress